



REPLY TO  
ATTENTION OF

## DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS LOS ANGELES DISTRICT  
Regulatory Division, Carlsbad Field Office  
6010 Hidden Valley Road, Suite 105  
Carlsbad, California 92011

December 13, 2012

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Planning and  
Development Services

Regulatory Division

County of San Diego  
Planning & Development Services  
Attention: Mr. Robert Hingtgen  
5510 Overland Avenue, Suite 110  
San Diego, California 92123

Dear Mr. Hingtgen,

This letter is in response to your request, dated December 6, 2012, for our review and comments regarding the Notice of Preparation of an Environmental Impact Report (EIR) for the proposed Soitec Solar Projects (File Number SPL-2012-00874-MBS). The proposed project includes the development of four solar energy projects: Tierra Del Sol, Rugged Solar, LanWest, and LanEast. The projects are located in the Mountain Empire Subregional Plan Area and the Boulevard Subregional Planning Area within unincorporated San Diego County, California.

We have reviewed the above cited project information with respect to the United States (U.S.) Army Corps of Engineers' (Corps) authority to issue Department of the Army (DA) permits pursuant to section 10 of the Rivers and Harbors Act (33 U.S.C. 403) and section 404 of the Clean Water Act (CWA; 33 U.S.C. 1344). Based on the information furnished to our office, the Corps is currently unable to determine whether construction activities associated with the proposed project would involve the discharge (placement) of fill material into jurisdictional waters pursuant to our authority under section 404 of the CWA. The Corps recommends a jurisdictional delineation report using the procedures set forth in the "Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region" and "A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States" be provided to this office for review and verification. Please include in this report a detailed description of all ground-disturbing activities associated with the proposed project occurring on and in the immediate vicinity of potential waters of the U.S. as well as a cross-section of the proposed work and the existing conditions of the proposed project area.

Please note that a Department of Army permit is required for:

The discharge of dredged or fill material into, including any redeposit of dredged material other than incidental fallback within, "waters of the United States" and adjacent wetlands pursuant to section 404 of the Clean Water Act of 1972. Examples include, but are not limited to:

1. Creating fills for residential or commercial development, placing bank protection, temporary or permanent stockpiling of excavated material, building road crossings, backfilling for utility line crossings and constructing outfall structures, dams, levees, groins, weirs, or other structures;
2. Mechanized landclearing, grading which involves filling low areas or land leveling, ditching, channelizing and other excavation activities that would have the effect of destroying or degrading waters of the United States;
3. Allowing runoff or overflow from a contained land or water disposal area to re-enter a water of the United States; and
4. Placing pilings when such placement has or would have the effect of a discharge of fill material.

If you have any questions, please call me at 760-602-4836 or via e-mail at Meris.Bantilan-Smith@usace.army.mil. Please refer to this letter and SPL-2012-00874-MBS in your reply.

Sincerely,

A handwritten signature in black ink, appearing to read "Meris Bantilan-Smith". The signature is fluid and cursive, with the first name "Meris" and last name "Bantilan-Smith" clearly distinguishable.

Meris Bantilan-Smith  
Project Manager